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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,924	07/28/2000	Joseph A Hook	FORE-73	3576

7590 10/31/2003

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EXAMINER	
KADING, JOSHUA A	

ART UNIT	PAPER NUMBER
2661	2

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/627,924	HOOK, JOSEPH A	
	Examiner	Art Unit	
	Joshua Kading	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 10-17* is/are rejected.

7)☒ Claim(s) *1,4,5,7-9,12 and 14-17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *28 July 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Specification, page 4, line 14 states, "for a network 12." There is no "network 12" in figure 22 or any of the other figures. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1, 4, 5, 12, 14, 15, 16, and 17 are objected to because of the following informalities:

3. Claim 1, line 7 states, "mechanism continuously operating". It should read, --mechanism is continuously operating--.

4. Claim 4, line 3 states, "includes an MCP". The full term used to form the acronym "MCP" should be placed in front of "MCP" so as to provide a clearer understanding of what "MCP" stands for.

5. Claim 5, line 3 states, "when a the memory controller". It should read, "when the memory controller".

6. Claim 12, line 2 states, "there is the step of sending". It should read, "there is a step of sending".

7. Claim 14, line 2 states, "there is the step of receiving". It should read, "there is a step of receiving".

8. Claim 14, line 3 states, "a receive message packets". It should read, "a receive message packet".

9. Claim 15, line 2 states, "implementation receiving step". It should read, --implementation signal receiving step--.

10. Claim 16, line 2 states, "there is the step of sending". It should read, "there is a step of sending".

11. Claim 16, line 3 states, "signal with a striper". It should read, "signal using a striper".

12. Claim 17, line 2 states, "implementation sending step". It should read, --implementation signal sending step--.

13. Claim 17, line 2 states, "there is the step of transferring". It should read, "there is a step of transferring".

14. Appropriate correction is required.

Claim Rejections - 35 USC § 112

15. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

16. Claims 11, 13, and 17 recites the limitation "each memory controller" or "all the memory controllers" in claim 11, line3; claim 13, line 3; and claim 17, lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

17. Claims 11, 12, 13, and 16 recites the limitation "each fabric" or "the fabric" or "all the fabrics" in claim 11, line 3; claim 12, line 3; claim 13, line 3; and claim 16, line 4. There is insufficient antecedent basis for this limitation in the claim.

18. Claim 12 recites the limitation "each command buffer" in claim 12, line 3. There is insufficient antecedent basis for this limitation in the claim.

19. Claim 12 recites the limitation "the MCP" in claim 12, line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. As understood at this time, claims 1-6, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chan et al. (U.S. Patent 5,870,625) in view of Yamanaka et al. (U.S. Patent 5,619,495).

22. In regard to claim 1, Chan et al. disclose

23. "a memory mechanism in which portions of packets are stored" (col. 2, lines 29-30 show the transmission of packets in the network; figure 8, elements 220, 230 where 220 and 230 are buffers, or a memory mechanism, that store the incoming data as can be read in col. 12, lines 18-22, 29-32); and

24. "a mechanism for instituting changes to the memory mechanism while the memory mechanism [is] continuously operating on packets" (figure 8, element 200 where the command buffer is the mechanism for instituting changes to the memory mechanism, and the memory mechanism can still operate on packets by storing the incoming data into the buffers while the command buffer is instituting changes).

25. However, Chan et al. lack "a switch for a network..." Yamanka et al. however, disclose "a switch for a network..." (col. 9, lines 23-24 where the memory mechanism and instituting mechanism of Chan are functionally equivalent to the elements 11_1 and 12_1). It would have been obvious to one with ordinary skill in the art at the time of invention to include the "switch" with the "memory mechanism" and the "instituting mechanism" for the purpose of having the controller and the memory in the same unit. The motivation for this being an increase in efficiency as the data has less distance to travel.

26. In regard to claim 2, Chan et al. and Yamanka et al. disclose the switch of claim 1. However, Chan et al. lacks "the memory mechanism that includes a plurality of memory controllers." Yamanka et al. however, further disclose "the memory mechanism that includes a plurality of memory controllers" (figure 30, elements $11_1 - 11_p$, and$12_1 -$

12_p; col. 2, line 8 where each memory mechanism includes or has a memory controller). It would have been obvious to one with ordinary skill in the art at the time of invention to include the memory controllers with the switch of claim 1 for the same reasons and motivation as in claim 1.

27. In regard to claim 3, Chan et al. and Yamanka et al. disclose the switch of claim 2. However, Yamanka et al. lack "the instituting mechanism includes a command buffer disposed in each memory controller in which changes to the memory controller are stored until the changes are implemented." Chan et al. however, further disclose "the instituting mechanism includes a command buffer disposed in each memory controller in which changes to the memory controller are stored until the changes are implemented" (figure 8, element 8 where the changes are stored in the wait buffer 210 until needed). It would have been obvious to one with ordinary skill in the art at the time of invention to include the command buffer with the switch of claim 2 for the same reasons and motivation as in claim 2.

28. In regard to claim 4, Chan et al. and Yamanka et al. disclose the switch of claim 3. However, Yamanka et al. lack "a fabric in which the memory mechanism and the instituting mechanism are disposed, and wherein the instituting mechanism includes an MCP disposed in the fabric connected to the command buffer of each memory controller in the fabric, the MCP sends the changes to the buffer." Chan et al. however, further disclose "a fabric in which the memory mechanism and the instituting mechanism are

disposed, and wherein the instituting mechanism includes an MCP disposed in the fabric connected to the command buffer of each memory controller in the fabric, the MCP sends the changes to the buffer" (figure 8, element 190 is the fabric in which the instituting mechanism and memory mechanism are disposed; figure 8, element 201 where 201 acts as the MCP by sending the changes to be instituted (commands) to the wait buffer 210 and is clearly connected to the command buffer). It would have been obvious to one with ordinary skill in the art at the time of invention to include the MCP, the instituting mechanism, the memory mechanism all on the same fabric with the method of claim 3 for the same reasons and motivation as claim 3.

29. In regard to claim 5, Chan et al. and Yamanka et al. disclose the switch of claim 4. However, Yamanka et al. lack "each memory controller institutes changes in its command buffer at a same logical clock cycle when the memory controller receives an implementation signal." Chan et al. however, further disclose "each memory controller institutes changes in its command buffer at a same logical clock cycle when the memory controller receives an implementation signal" (figure 8, where it is shown in the figure that a command can come in on bus 160 at which point it can be stored in the wait buffer 210, at the same time the execution buffer 203 can be instructing the memory mechanism to perform a specific function, thus this can all be done during the same logical clock cycle). It would have been obvious to one with ordinary skill in the art at the time of invention to include the "same logical clock cycle" operations with the method of

claim 4 to allow each memory controller to perform two tasks at once. The motivation being to increase efficiency in command execution.

30. In regard to claim 6, Chan et al. and Yamanka et al. disclose the switch of claim 5. However, Chan et al. lack "the fabric has an aggregator which receives the implementation signal and sends it to the memory controllers." Yamanka et al. however, further disclose "the fabric has an aggregator which receives the implementation signal and sends it to the memory controllers" (figure 29, element 130 where the multiplexer is the functional equivalent of an aggregator as per the specification, page 8, lines 12-15 and takes the input signals $1_1 - 1_n$ (as are in figure 30) aggregates them then sends them to the controller which can be taken to the buffer controller 15 of figure 30 which then sends these signals to the memory controllers $12_1 - 12_p$). It would have been obvious to one with ordinary skill in the art at the time of invention to include the aggregator with the method of claim 5 for the purpose of having the aggregator and the memory in the same unit. The motivation for this being an increase in efficiency as the data has less distance to travel.

31. In regard to claim 10, Chan et al. disclose "a method...comprising:

32. receiving changes for a memory mechanism...at a buffer" (figure 8, elements 160, 200, 210 where the changes come in on bus 160 and are stored in buffer 210).

33. "implementing the changes to the memory mechanism when the memory mechanism receives an implementation signal while the memory mechanism

continuously operates on packets" (figure 8, element 200 where the command buffer is the mechanism for instituting changes to the memory mechanism, and the memory mechanism can still operate on packets by storing the incoming data into the buffers while the command buffer is instituting changes).

34. However, Chan et al. lack "...switching packets..." and "...a switch...". Yamanaka et al. however, further disclose "...switching packets..." and "...a switch..." (col. 9, lines 23-24 where the memory mechanism and instituting mechanism of Chan are functionally equivalent to the elements 11_1 and 12_1). It would have been obvious to one with ordinary skill in the art at the time of invention to include the "switch" with the "memory mechanism" and the "instituting mechanism" for the purpose of having the controller and the memory in the same unit. The motivation for this being an increase in efficiency as the data has less distance to travel.

35. In regard to claim 11, Chan et al. and Yamanaka et al. disclose the method according to claim 10. However, Yamanaka et al. lack "the buffer includes a command buffer and the receiving step includes the step of receiving changes for each memory controller of each fabric at the command buffer." Chan et al. however, further disclose "the buffer includes a command buffer and the receiving step includes the step of receiving changes for each memory controller of each fabric at the command buffer" (figure 8, element 8 where the changes are received and stored in the wait buffer 210 until needed). It would have been obvious to one with ordinary skill in the art at the time

of invention to include the command buffer with the switch of claim 10 for the same reasons and motivation as in claim 10.

36. In regard to claim 12, Chan et al. and Yamanaka et al. disclose the method according to claim 11. However, Yamanaka et al. lack "before the receiving step, there is [a] step of sending the changes to each command buffer from the MCP of the fabric." Chan et al. however, further disclose "before the receiving step, there is [a] step of sending the changes to each command buffer from the MCP of the fabric" (figure 8, element 201 where 201 acts as the MCP by sending the changes to be instituted (commands) to the wait buffer 210 and it is clearly connected to the command buffer; it should also be noted that the sending step must occur before the receiving step). It would have been obvious to one with ordinary skill in the art at the time of invention to include the sending step with the method of claim 11 for the same reasons and motivation as in claim 11.

37. In regard to claim 13, Chan et al. and Yamanaka et al. disclose the method according to claim 12. However, Yamanaka et al. lack "the implementing step includes the step of implementing the changes to all the memory controllers of all the fabrics at a same logical clock cycle." Chan et al. however, further disclose "the implementing step includes the step of implementing the changes to all the memory controllers of all the fabrics at a same logical clock cycle" (figure 8, where it is shown in the figure that a command can come in on bus 160 at which point it can be stored in the wait buffer 210,

at the same time the execution buffer 203 can be instructing the memory mechanism to perform a specific function, thus this can all be done during the same logical clock cycle). It would have been obvious to one with ordinary skill in the art at the time of invention to include the "same logical clock cycle" operations with the method of claim 12 to allow each memory controller to perform two task at once. The motivation being to increase efficiency in command execution.

38. In regard to claim 14, Chan et al. and Yamanaka et al. disclose the method according to claim 13. However, Chan et al. and Yamanaka et al. lack explicitly "before the implementing step, there is [a] step of receiving the implementation signal at the switch in a receive message packet." However, it would have been obvious to "receive" the implementation signal in a receive message packet because in order to implement a command/step there must be some kind of message indicating what command/step that needs to be implemented. The only way to get this message is to receive it. It would have been obvious to one with ordinary skill in the art at the time of invention to include the receiving step with the method of claim 13 because there is no other way to obtain the implementation signal information. The motivation being to allow the system to accept implementation signals from a variety of sources.

39. In regard to claim 15, Chan et al. and Yamanaka et al. disclose the method according to claim 14. However, Chan et al. lack "the implementation [signal] receiving step includes the step of receiving the receive message packet at a port card of the

switch." Yamanaka et al. however, further disclose "the implementation [signal] receiving step includes the step of receiving the receive message packet at a port card of the switch" (figure 30, elements 10_1 - 10_{an} where these elements act as port cards for the switching apparatus). It would have been obvious to one with ordinary skill in the art at the time of invention to include the port card with the method of claim 14 for the purpose of allowing signals access to the switch. The motivation being to have a switch that can accept signals.

Allowable Subject Matter

40. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

41. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (703) 305-0342. The examiner can normally be reached on M-F: 8:30AM-5PM.

42. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

43. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Joshua Kading
Examiner
Art Unit 2661

JK
October 23, 2003

KENNETH VANDERPUYE
PRIMARY EXAMINER